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October 11, 2005

BY HAND DELIVERY

The Honorable Jack B. Weinstein
Senior Judge
United States District Court for the
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

***Re: Barbara Schwab v. Philip Morris USA, Inc., et al.
Case No. 04-1945 (JBW) (SMG)***

Dear Judge Weinstein:

On August 22, 2005, Plaintiffs provided the Court with detailed responses to the Court's Questions of June 6, 2005. Supporting those responses were several declarations or affidavits, including ones from Lawrence Tribe, Richard Redfern and Katherine Kinsella. None of these three individuals will be testifying at trial nor are their statements presented to support any of Plaintiffs' motions, including Plaintiffs' Motion for Class Certification. Their statements were presented solely in response to the Court's questions.

To avoid any waste of time having these individuals deposed by Defendants, Plaintiffs withdraw their reports.

Sincerely,
Cohen, Milstein, Hausfeld & Toll P.L.L.C.

/s/

Paul T. Gallagher

PTG/lea
cc: Defense Counsel
225772.1

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